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Attorneys for Defendant
APPLE INC., A CALIFORNIA CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re iPhone Application Litigation

CASE NO. 11-MD-02250-LHK

CLASS ACTION

**DECLARATION OF S. ASHLIE BERINGER
IN SUPPORT OF APPLE INC.'S MOTION
FOR SUMMARY JUDGMENT**

HEARING:

Date: April 11, 2013
Time: 1:30 p.m.
Place: Courtroom 4
Judge: The Honorable Lucy H. Koh

1 I, S. Ashlie Beringer, declare as follows:

2 1. I am an attorney duly licensed to practice before this Court. I am a partner with the
3 law firm of Gibson, Dunn & Crutcher LLP, counsel of record for Defendant Apple Inc. (“Apple”) in
4 this case. I submit this Declaration in support of Apple’s Motion for Summary Judgment. I have
5 personal knowledge of the matters stated herein and, if called as a witness, could and would testify
6 competently thereto.

7 2. Attached as **Exhibit A** is a true and correct copy of excerpts from the reporter’s
8 transcript of the August 14, 2012 deposition of Plaintiff Cameron Dwyer.

9 3. Attached as **Exhibit B** is a true and correct copy of excerpts from the reporter’s
10 transcript of the August 15, 2012 deposition of Plaintiff Anthony Chiu.

11 4. Attached as **Exhibit C** is a true and correct copy of excerpts from the reporter’s
12 transcript of the October 29, 2012 deposition of Plaintiff Alejandro Capiro.

13 5. Attached as **Exhibit D** is a true and correct copy of excerpts from the reporter’s
14 transcript of the October 30, 2012 deposition of Plaintiff Isabella Capiro.

15 6. Attached as **Exhibit E** is a true and correct copy of excerpts from the reporter’s
16 transcript of the August 4, 2012 deposition of former Plaintiff Arun Gupta.

17 7. Attached as **Exhibit F** is a true and correct copy of a screen image for the
18 Dictionary.com app in the Apple iTunes App Store, captured on December 13, 2012. Links to
19 Dictionary.com’s Privacy Policy and License Agreement have been highlighted by a red box.

20 8. Attached as **Exhibit G** is a true and correct copy of Dictionary.com’s Privacy Policy,
21 which is noticed and reflected in the “Privacy Policy” link reflected in Exhibit F, and also available at
22 <http://dictionary.reference.com/help/privacy.html>.

23 9. Attached as **Exhibit H** is a true and correct copy of Dictionary.com’s End User
24 License Agreement (“EULA”), which is noticed and reflected in the “License Agreement” link in
25 Exhibit F, and also available at <http://dictionary.reference.com/help/dictionaryappeula.html>.

26 10. Attached as **Exhibit I** is a true and correct copy of the screen image that appears when
27 a user launches the Flixster app on his or her iPhone for the first time, captured on December 13,
28 2012. Links to Flixster’s Privacy Policy and Terms of Use have been highlighted by a red box.

